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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,192	07/18/2003	Bruce M. Ruana	RUANA-001CIC	2668

28661 7590 01/11/2006
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EXAMINER

MAYO, TARA L

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/623,192

Applicant(s)

RUANA, BRUCE M.

Examiner

Tara L. Mayo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-25,27-50,52-73 and 75-101 is/are pending in the application.
- 4a) Of the above claim(s) 8-22,32-46,57-71,80-94 and 102-105 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 3-7 23-25 27-31 47-50 52-56 72 73 75-79 95-101 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings filed on 18 July 2003 are acceptable subject to correction of the informalities indicated on the attached "Notice of Draftsperson's Patent Drawing Review," PTO-948. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

Replacement Drawing Sheets

Drawing changes must be made by presenting replacement sheets which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments section, or remarks, section of the amendment paper. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). A replacement sheet must include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and within the top margin.

Annotated Drawing Sheets

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheet(s) must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change(s) to the drawings.

Timing of Corrections

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Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

Specification

2. The amendment filed 13 June 2005 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: on page 12 at paragraph 44, expanded vinyl and vinyl with a layer of foam.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

3. The prior rejection of claims 1 through 7, 23 through 31, 47 through 56, 72 through 79 and 95 through 101 under 35 USC §112, first paragraph is withdrawn.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 24 through 26, 48 through 51, 73, 74 and 96 through 101 are rejected under 35 U.S.C. 102(e) as being anticipated by Kobe et al. (U.S. Patent No. 6,610,382 B1).

Kobe et al. '382, as seen in Figures 1 and 8, disclose a system for providing a grip (20) for a grab bar having an outer surface, the grip comprising:

with regard to claims 1, 25, 48, 96 and 97,

a skin layer (21) axially wrapped about the outer surface of the grab bar and having a top surface (24) and a bottom surface (25);

a stretchable material (22; col. 4, lines 16 through 17 and 25 through 41) having a top surface and a bottom surface opposite said top surface, said top surface adhered to said bottom surface of said skin layer;

a releasable adhesive (34; col. 4, lines 54 through 56) disposed on said bottom surface of said stretchable material, said releasable adhesive configured to adhere to the outer surface; with regard to claims 24 and 49,

wherein the grip substantially covers the outer surface; and with regard to claim 26,

wherein said skin layer comprises a distance between said top surface and said bottom surface, said distance being variable.

With regard to claims 50, 51, 73, 74 and 98 through 101, the method steps recited therein are inherent to the method of making the device shown by Kobe et al. '382.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3, 4, 7, 27, 28, 31, 52, 53, 56, 75, 76 and 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobe et al. (U.S. Patent No. 6,610,382 B1) in view of Oseroff et al. (U.S. Patent No. 3,848,480).

Kobe et al. '382 disclose all of the features of the claimed invention with the exception(s):

with regard to claims 3, 27, 52 and 75,

a light emitter coupled with the top surface of the skin layer;

with regard to claims 4, 28, 53 and 76,

the light emitter being a material selected from the group consisting of phosphorescent chemicals, low grade radiant materials, electrically stimulated phosphorescent material, reflective materials, and luminescent pigments;

with regard to claims 7, 31, 56 and 79,

the light emitter being activated in the absence of light.

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Oseroff et al. '480, as seen in Figures 1 through 6, disclose a grip for a grab bar comprising a phosphorescent material (col. 5, lines 35 through 42) to serve as a luminous safety feature in the dark.

With regard to claims 3, 4, 7, 27, 28 and 31, it would have been obvious to one having ordinary skill in the art of grips at the time of invention to modify the grip disclosed by Kobe et al. '382 with a phosphorescent material as taught by Oseroff et al. '480. The motivation would have been to provide a luminous safety feature.

With regard to claims 52, 53, 56, 75, 76 and 79, the method steps recited therein are inherent to the method of making the device shown by Kobe et al. '382 as modified above by Oseroff et al. '480.

8. Claims 3, 5, 27, 29, 52, 54, 75 and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobe et al. (U.S. Patent No. 6,610,382 B1) in view of McCalla et al. (U.S. Patent No. 6,364,500 B1).

Kobe et al. '382 disclose all of the features of the claimed invention with the exception(s):

with regard to claims 3, 27 and 75,

a light emitter coupled with the top surface of the skin layer; and

with regard to claims 5, 29 and 77,

the light emitter being selected from the group consisting of fiber optics and light emitting diodes.

McCalla et al. '500, as seen in Figure 6, show a handle member (20) comprising fiber optics for directing light through the handle member (col. 3, lines 13 through 26).

With regard to claims 3, 5, 27 and 29, it would have been obvious to one having ordinary skill in the art of grips at the time of invention to modify the device shown by Kobe et al. '382 such that it would include fiber optics as taught to be desirable by McCalla et al. '500. The motivation would have been to illuminate the skin layer of the grip.

With regard to claims 52, 54, 75 and 77, the method steps recited therein are inherent to the method of making the device shown by Kobe et al. '382 as modified above McCalla et al. '500.

9. Claims 3, 6, 27, 30, 52, 55, 75 and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobe et al. (U.S. Patent No. 6,610,382 B1) in view of Bixler et al. (U.S. Patent No. 5,251,903).

Kobe et al. '382 disclose all of the features of the claimed invention with the exception(s) of:

with regard to claims 3, 27 and 75,

a light emitter coupled with the top surface of the skin layer; and

with regard to claims 6, 30 and 78,

the light emitter being configured to activate responsive to pressure.

Bixler et al. '903, as seen in Figures 1 through 4, show a ball (10) comprising a skin layer cover (12) having an illumination means (col. 3, lines 23 through 26) which is activated by pressure for warning of an improper grip.

With regard to claims 3, 6, 27 and 30, it would have been obvious to one having ordinary skill in the art of grips at the time of invention to modify the device shown by Kobe et al. '382 such that it would include a pressure activated light emitter as taught by Bixler et al. '903. The motivation would have been to provide the grip with a means for indicating contact with a user's hand as desired.

With regard to claims 52, 55, 75 and 78, the method steps recited therein are inherent to the method of making the device shown by Kobe et al. '382 as modified above by Bixler et al. '903.

10. Claims 23, 47, 72 and 95 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobe et al. (U.S. Patent No. 6,610,382 B1).

Kobe et al. '382, as seen in Figures 1 and 8, disclose all of the features and method steps of the claimed invention with the exception(s) of:

with regard to claims 23, 47 and 72,

a backing layer adhered between the skin layer and the releasable adhesive.

Kobe et al. '382 expressly teach the possibility of multiple backing layers (col. 2, lines 39 through 42, and col. 4, lines 5 through 8).

With regard to claim 23, it would have been obvious to one having ordinary skill in the art of grips at the time the invention was made to include a backing layer to impart desired strength to the skin layer of the device.

With regard to claims 47, 72 and 95, the method steps recited therein are inherent to the method of making the device disclosed by Kobe et al. '382 as modified above.

Response to Arguments

11. Applicant's arguments filed 02 November 2005 have been fully considered but they are not persuasive.

Applicant's statements regarding Shomo are not relevant since the Examiner has not relied upon the reference for an art rejection during the prosecution history of the instant application.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tara L. Mayo whose telephone number is 571-272-6992. The examiner can normally be reached on Monday through Friday 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571-272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



08 January 2006



Meredith Petravick
Primary Examiner